G. R. S. 59] GPB—15,000 20 12 1)

GENERAL AND REVENUE SECRETARIAT.

1899-1900.
~~191~~.
(Miscellaneous)

File No. 25

Serial Nos. 1 – 5

Papers Filed.

Month December 1903.

SUBJECT.

Alienation of houses
to the Sri Chamarajeswara Swami
Temple at Chamarajnagar

PREVIOUS REFERENCES.	LATER REFERENCES.
	Misc. 7. 41-10

Chng File No 25 of 1899

MUZRAI DEPARTMENT.

OFFICE NOTE.

SUBJECT:— Houses belonging to the Sri Chamarajeswara Temple at Chamarajanagar

LAST REFERENCE.

Letter No. 56 dated 17th Sept 1900
from the Dy Commissioner Mysore District.

In March 1900, it was brought to the notice of Government that the houses belonging to the Sri Chamarajeswara Temple at Chamarajanagar had been alienated by the Temple Servants. The Dy Commissioner of the Mysore District w-

was thereupon asked × to submit a detailed report.

× In his office no A dated 6th March 1900

2. The Dy Commissioner in his Letter no 56/217 dated 17th September 1900, states that 54 houses were built between 1827 and 1831, out of the funds of the Sri Chamarajeswaraswami Temple; that 25 of them are now in the occupation of the temple servants, 5 occupied by persons once connected with the temple service. 18 alienated by sale or mortgage and 6 taken for public purposes. In respect of these houses he proposes as follows:—

i To call upon the mortgagees, who are

still in temple service
to redeem the houses
within 3 years on pain
of dismissal ;

ii To take legal
proceedings to eject-
the aliences in the case
of sales effected within
the past-12 years

iii To take no action
in the case of those who
have been in adverse
possession for upwards
of 12 years ;

and iv That-mutchulikas
may be taken from the
temple servants, in whose
occupation some of the
houses still are, ~~voluntarily~~
acknowledging the right-
of the temple -

The Government

records show that some of the occupants of these houses raise objections in the matter of restoring the houses to the Temple –

3. A draft reply is herewith submitted for approval

Submitted

RS

27/10/02

Subject to the Memo

This is one of the very old Mughal baoris left by Mr Townsend in charge for personal inspection –

As all old papers are now lying Unused, I have put up a draft for appl asking for extract copy from the Deputy

RS
29/10/02

6921
02.29.4.02

Note continued :–

4. The draft which

which was approved by the Darwar
was issued on the 6th November 1902
asking information on the following
points :—

Letter no
916 dated
6th November
1902.

(i) About the remaining one house
which was unaccounted for—

(ii) How the 5th houses had been
classed in the municipal accounts,
who were paying the tax due thereon
and whether the question of their
exemption from the payment of
the same had ever been raised
on the score of their belonging
to the temple

and (iii) whether any compensation
was paid on the 5 houses reported
to have been taken up long ago
for public purposes, and if so,
whether the amount was credited
to the temple.

The Dy Comm's suggestion that in the
case of the temple servants ~~in the~~
who

were in the occupation of the houses
a muteholika should be obtained
from them acknowledging the right-
of the temple, was also approved.
And in the case of others who had
alienated the houses, copies of the
documents effecting the sale or mortgage
were called for -

With reference to the above the
Deputy Commissioner reports that-
as regards the remaining one house, Letter no 49 dated 7th Sept 03
its ~~spot~~ site was encroached upon
partly by one Limmiah, occupant of
the house no 49, and partly by the new
Lutuk entering building. He also states
that of the 25 temple servants 19 have
acknowledged the houses to be the temple
property and executed muteholikas
binding themselves not to alienate
Some of the 5 persons are absent from
69 the place to whom notices have been
issued to appear and execute the
muteholikas

Mutchulikas. Only one person, by name Timmaramiungar, the occupant of house no 2, is reported to have refused to sign the mutchulika, claiming the house to be a free and absolute personal gift, in support of which however, he possesses no written document.

6. Copies of documents regarding the sale or mortgage of the houses have been sent by the Dy Comr as requested.

7 Mohatarpa is reported to be collected on these houses, the question of its exemption being never raised —

8 No compensation is reported to have been paid on the 5 houses taken up for public purposes —

Submitted with a draft

Jas
12/11/03

Send the draft
9/12/03

No 1685
8/10 15-03 The Dy. Comr. of the Khyber Dist has thereupon reported.

to which further information
on the alienation of the houses
belonging to the temple. The
petition of Kunaxa
Dekoteh subsequently received
was forwarded for disposal

(1)

Urgent

1892.

May 25-92

From Substitute Peons for Camp No A

THE MUZRAI SECRETARY TO THE

DEWAN OF MYSORE.

To The Dr Mysore

Dated 9th May

Despatched

Received

General No. 1211

Muzrai No. 67-92 Enclosure No.

This Office No. A dated 6th

Transfer to 1892

Calling for a report regarding the abstraction of the horses belonging to the Dr Chamarajendra Wodeyar Bahadur Chamarajapa and subsequent reminder marginally noted.

Has the honor to draw attention to the above and to request an early reply.

By Order,

9/5/92

for Muzrai Secretary

(General Serial No. 38.)

~~189~~ 1900-01.

From Mee 25 — 96
The Deputy Commissioner
of Mysore Dist.

To The Secretary to the Govt.
of Mysore
Huzur Cutcherry

Dated 17 September —

Despatched

Received

General No. 56 } 189
No.

Enclosures No. 1 Statement
and one file

Reporting progress during
the houses built for the resi-
dence of the temple servants
of Sri Thammarajendra swamy
at Thammarajapatna

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 19-9-00
No. 217
JUDICIAL BRANCH

Reserve for
Board's perusal

Central Jail Press, Bangalore.—4-7-98.—1,000.

2

Deputy Commissioner's office
Mysore District
Mysore Dated 17th September
1900.

From

The Deputy Commissioner
of Mysore District

To

The Secretary to the Govt.
of Mysore
Muzarai Department

Sir,

With reference to your docket,
Camp No 1, dated the 6th of March 1900,
I have the honor to forward herewith a
tabular statement giving briefly, the history
of each of the 54 houses built out of the funds
of the Sri Chamarajendraswamy temple,
at Chamarajnagar for the residence of
the servants connected with the temple.

2. From the files of previous correspondence
on the subject - herewith submitted for
perusal - it will be seen that the houses in
question were built between 1827 and 1831
at a cost of about Rupees 100/- each, and
that most of them having come down for
want of repairs, the present occupants
have rebuilt them, with considerable

additions

× Ending with
Chamarajnagar
Amildar's Ettid
No 166 - dated
13th June 1900.

additions and improvements, and at considerable expense.

(3) Twenty five of these houses are still in the occupation of the temple servants, and they are numbered in the statement 2, 3, 6, 7, 9, 10, 11, 12, 14, 15, 17, 20, 22, 23, 26, 28, 29 31, 33, 35, 37, 38, 45, 47 and 52.

(4) House No 18 is reported to have been taken up by Government for the road to Ramasamudra - This must have been more than 30 years ago - The exact date is not known.

(5) Houses Nos 50 and 51 are reported to have been taken up by Government for the Taluk Kutcheery building.

(7) Houses Nos 53 and 54 are reported to have been resumed by the late Maharajah Krishnaraj Vadeyar for a private building

(7) Houses Nos 4, 16, 32, 36 and 46 are reported to be in the occupation of persons connected with those formerly in the temple service.

(8) Twelve houses, viz, Nos 5, 8, 13, 19, 21, 27 30, 34, 42, 44, 48 and 49 have been sold by the temple servants, and 6 houses, viz, Nos 24, 25, 39, 40, 41 and 42 have been mortgaged.

(1) So far back as 1863 one Vindhyaparsha had been dismissed from the temple service

in 1855, was reported to have been still occupying the house allotted to him when in service, and to have been making additions to the house. An enquiry was held, and Vridhajois contended that the house had been absolutely gifted to him, and that he had been from time to time repairing and improving the house - The matter was reported by the Amildar to the Superintendent of the Division, but no final orders seem to have been passed in this case.

(10) In the same year, ie 1863, the Amildar reported that some of these houses were in ruins, and that no conditions had been attached to the grant, and prayed for orders in the matter of repairs ~~or~~ restoration of the ruined houses, but no orders seem to have been passed on this report.

(11) In 1868, one of the (ruined) house sites was given to "Mantra Pushpada" Nanjunda Bhatta with an express intimation that the Government had no right to the superstructure.

(12) In 1875, the Muzarai Officer of the District called for a statement of houses in the occupancy of others than temple servants, and on receipt of the statement directed that a rent of Rs 2/ should be levied from these strangers, but they refused to pay alleging that they had spent large sums

of

of money to put the houses in order, and that they would gladly give up the houses if they were paid the money spent by them. Some 15 cases of this kind were brought to the notice of the Muzarai officer, and he withdrew his order about levying rents on the ground that, if rent be demanded, the temple was bound to keep the houses in a state of repair. He ordered, however, that the temple servants should not alienate their houses in any manner. A notice prohibiting alienation appears to have been served upon all the temple servants, but it is now not forthcoming.

(13) In 1884, the Amildar reported that some of these houses had been alienated by sale or mortgage, that some of the temple servants had no houses to live in, and suggested that the alienees or those not connected with the temple should be ejected from those houses. Upon this report Mr. S Sreenivassiengar, the then Muzarai officer, ordered that it was not right to summarily eject these persons. (See order No. 47 – dated 8th June 1886).

(14) Encouraged by the said order no less than 18 houses have been sold or mortgaged since that date.

(15) In 1885, temple watcher Inaridadda complained that his house site had been taken possession

possession of by another, and prayed that the site might be restored to him, but this was not done because of the above order of the Muzarai officer that persons in possession could not be summarily ejected.

(16) In 1886, it was brought to the notice of the Muzarai Officer that the temple Parpattegar Krishnappa had bought one of these houses from one Annamayamma. In the course of the enquiry into that complaint, Krishnappa contended that the houses originally built had disappeared altogether, that the houses had been absolutely gifted to the temple servants, that they had rebuilt the houses at considerable expense, and that he had acquired a good title to the house he had bought. No orders have been passed in this case.

(17) In these circumstances I beg to make the following suggestions:—

1. In respect of the houses still in the occupation of temple servants, a duly stamped and registered Mutchalike be taken from them acknowledging the right of the temple to resume the house-site, (and not the superstructure) the moment their connection with the temple as

as servants ceases.

2. In respect of the mortgaged house, the mortgagors, still in temple service, be called upon to redeem the mortgages in 3 years, on pain of summary dismissal from the temple service.

3. In the case of those who have been in adverse possession for upwards of 12 years no action be taken.

4. In the case of sales effected within the past 12 years, legal proceedings be taken to eject the alienees.

Note. One or two test suits only may be filed at first in respect of the oldest of these sales, care being taken to see that the claim in respect of the other houses is not barred.

I have the honor to be
Sir,
Your most obedient servant

for Deputy Commissioner
Mysore District

No 916 Encl file V.P.P.
Inw2: F.67-92 Dy 6.11.02.

Asst Mr 4/11/02

Copy 25-99
Vol 3

To

The Dy Commr

Nagpur District

Dated 27th October 1902.

Sir,

With reference to your Letter no 5-6 dated 17th September 1902 regarding the alienation of some of the houses belonging to the Sri Chandrajeswaraswami Temple at Chandrapur, I am directed to observe that, out of the 54 houses constructed out of the temple funds between the years 1827 and 1831, 25 were

W.H. 3.11.02

to have been in the
occupation of the temple
servants; & occupied
by persons once connected
with the temple service;
is alienated by sale or
mortgage and & taken
for public purposes. What-
became of the one remaining house
is not clear -

2 In the case of the
houses still in the occupation
of temple-servants, you
suggest that a Mutchulika
be obtained from them,
acknowledging the right
of the temple. The Govt-
approve of this proposal -

3. In the case of the
others, you propose

To call upon the

mortgagors who are still in temple service to redeem the houses within 3 years

ii To take legal proceedings to eject the aliences, if the alienation had taken place within the last 12 years

and iii to take no action in the case of those who have been in possession of the houses for upwards of 12 years —

On this point I am to state that the only possible course that may be advantageously adopted in regard to these alienations, seems to be to proceed in

in accordance with the
Dwellings Exam alienation
Rules of the 17th November 1877.
But, steps cannot be
taken under these Rules,
unless the exact date of
the alienation of each
of these houses is ascertained.
I am therefore directed
to request that you will
be so good as to forward
to this Office authenticated
Copies of the documents
effecting the sale or
mortgage, wherever
it is possible to obtain them.
4. Information is
also requested as to how
these 54 houses have been
classed in the Municipal
Accounts

Accounts; who are
paying the tax due
thereon and whether
the question of their
exemption from the
payment of the same
was ever raised, on
the score of their
belonging to the temple
5th I am also to request
information as to whether
any compensation was
paid on the 5 houses
reported to have been
taken up long ago, for
public purposes, and
if so, whether the
amount was credited
to the temple.

Enclosure

Deputy Commissioner's Office
Mysore District
Muzrai Department
Dated Mysore 7th September 1903.

From

C. Mo. Kantaraj Urs Esq, B.A.
Deputy Commissioner
Mysore District

To Lo. Anantasami Rao Esq, B.A.
Deputy Secretary to Government
Muzrai Department.

Sir,

With reference to your letter No. 916/67-82 dated 6th November 1902, regarding the alienation of some of the houses belonging to the Sri Chamarajeswaraswami temple at Chamarajnagar, I have the honor to take as follows:—

As regards the remaining house, the details of which were not furnished, it is now reported that it has been encroached upon partly by one Iyer Jois' son Ramania — the occupant of house No 49 — and partly by the new Palak cutlery building.

2. Of the 25 temple servants, 19 acknowledged the houses to be temple property and executed Mutchalikes (thereon endorsed) binding themselves not to alienate them, 5 persons are absent from the place to whom notices have been issued to appear and execute the Mutchalikes. It is only one person by name Tirunaraniengar - the occupant of house No. 2 - who refuses to sign the Mutchalikes claiming the house to be a free and absolute personal gift. But he possesses no written document to prove this contention of his.

3. The copies of the documents referred to in your letter are also in the correspondence bearing page Nos. 39 to 54.

4. The Mohatarfa is being collected by the Municipality. The question of exemption was never raised on the score of the houses being the property of the temple

5. No Compensation was paid on

5 horses taken up for public purposes.

The memorandum papers are herewith submitted.

I have the honor to be
Sir
Your most obedient servant

Deputy Commissioner
Mysore District

No 1685 Emp. to
Mun. F. 67-92.
D 10.12.03.

Chmg 25-99

The Dy Commr
Mysore District

To
Dated 10th December 1903.

Sir,

I am directed to acknowledge the receipt of your D. letter no 49 dated 7th September 1903, furnishing further information in regard to the houses belonging to the Sri Chamarajeswaraswami temple at Chamarajanagar.

2. From the letter it is observed that, out of 54 houses originally constructed from the funds of the Sri Chamarajeswaraswami temple 5 have been taken up for building

two

long ago and the site
of one house was encroached
upon partly by the Lahuk
Cutchery building and partly
by the occupant of house
No 49. It should be reported whether
it is not possible to ascertain the value
of these lands and site and
attempt to recover such value.

3. Of the remaining 48
houses 25 are reported
to be temple servants at-
present, 5 are said to be
in the occupation of house
holds were once connected
with the temple service and
18 have been alienated
to others — Of the 25 temple
servants 19 are reported to
have executed a muchulika,
acknowledging the houses
to be the temple property —

and

and handing themselves
not to abscond him - This
is a satisfactory settlement
calls for
and no further orders —

5. Servants who are
in actual possession of
the houses are said
to be absent from the station
to whom ~~cannot~~ notices have been
sent. It should be
reported if the notices
have been duly served
on them and if so, whether
they have similarly
executed counterbills
in favour of the temple.

4. One person by name
Sivaramiengar, who is
the Archak of the Narayana
- Swami temple, is stated
to claim the house to be
a free and absolute
personal gift, and

to have ~~consequently~~ accordingly
refused to sign the muchulika.
He must be given 6 months'
time informing him that he should,
~~if he does not~~, during this
interval, either vacate
the house or acknowledge
the right of the temple,
and after the expiry of
the period the result should
be intimated to this Office —
Similar procedure should
be adopted in the case of
the 5 houses which are reported
to be in the possession of persons
once connected with the temple
service —

5. As regards the 18 alienated houses, it is not clear whether the occupants of the aliénees are at present temple servants and whether the aliénees are also connected with the temple-service. This point should be reported

together with the state-
ment as to what they
have to say in the matter
of ~~them~~ reducing the
houses within 6 months.

6 On receipt of a
detailed reply on all these
points I am to state what
will be issued in regard
to the houses the present
possessors of which do not
recognize the rights of
the temple.

Encs returned

I have &c

Sd/-

9/12/03

Dy Secretary

Municipal Dept

Sd

12/11/03